



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 25th August, 2005:—

### I

#### BILL NO. LXI OF 2005

*A Bill to provide for the establishment of a Rivers Desiltation Authority for the purposes of carrying out desiltation exercises covering the major rivers and its tributaries for obtaining better management of water resources by deepening the river beds resulting in deceleration in flow of river waters into the ocean and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rivers Desiltation Authority Act, 2005.

(2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the Rivers Desiltation Authority of India established under section 3;

(b) "prescribed" means prescribed by rules made under this Act.

Short title,  
and  
Commencement.

Definitions.



Establishment  
of Rivers  
Desiltation  
Authority of  
India.

**3. The Central Government shall by notification in the Official Gazette establish an Authority to be called the Rivers Desiltation Authority of India.**

Composition  
of the  
Authority.

**4. (1) The Authority shall consist of the following members, namely:—**

(a) The Prime Minister of India, who shall be the *ex-officio* Chairman of the Authority;

(b) The Union Minister of Water Resources and the Union Minister of Shipping, who shall be the *ex-officio* Vice Chair-Persons of the Authority;

(c) Chief Ministers of those states falling along the course of the Indus and the Ganga-Brahmaputra river system and along the course of all the major rivers of the Deccan Plateau viz., Mahanadi, Godavari, Krishna and Cauvery, and nine members to be nominated by Central Government in accordance with such procedure as may be prescribed; and

(d) one member, to be appointed by the Central Government, who shall be the Director of the Authority.

(2) The terms and conditions of the service of the members referred to in clause (c) and (d) of sub-section (1) shall be such as may be prescribed.

(3) Subject to such rules as may be made by the Central Government in this behalf, the Authority may, for the purposes of enabling it to perform its functions or exercise its powers efficiently under this Act appoint such officers and other employees, as it may think fit, and determine their functions and conditions of services.

Funds of the  
Authority.

**5. The funds of the Authority shall consist of,—**

(a) annual grants made to it by the Central Government after due appropriation made by Parliament by law in this behalf; and

(b) contributions from the beneficiary states on proportionate basis.

Functions of  
the Authority.

**6. The functions of the Authority shall be to,—**

(a) draw up short-term and long-term plans for carrying out desiltation exercises in the basins of major rivers and its tributaries in various parts of the country on continuous basis;

(b) set up adequate logistics and appropriate infrastructure judiciously in order to carry out the work and obtain pre-determined depth of the targeted river basins;

(c) perform such other functions as may be incidental, or conducive to the discharge of its main functions;

Power to  
make rules.

**7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**



## STATEMENT OF OBJECTS AND REASONS

Our country, which has the world's highest and the most spectacular mountains, is also fortunate to be blessed with one of the world's most extensive and fertile plains, made up of alluvial soil brought down in the form of fine silt by the mighty rivers. Ironically, over the centuries depth of the basins of the rivers have continuously decelerated owing to concentration of alluvial soil and sand on these rivers' beds. Due to narrowing of the rivers' basins by silts, devastation by floods have become a recurring feature during the excess water flow in every monsoon season inundating vast parts of the country and, due to the decreasing water catchment capacity of the rivers, precious water has been compelled to be drain out into the ocean. Moreover, due to obstructions to seamless water flows caused by sediments deposited in the river beds, mighty rivers like the Ganges and the Brahmaputra have been changing their course by way of eroding the river banks in many of their catchment areas especially during every monsoon season for the last several years. Recent notable instance among them is the continuous erosion of banks in the course of the river Ganges along Murshidabad and Maldah in West Bengal where the River is seen to be progressively advancing towards Bangladesh obliterating the existing geographical boundary between the two countries.

The problem of silt accumulation in rivers' beds is poised to multiply as no concrete steps to tackle it have been sincerely attempted so far. Desiltation of rivers will not only augment their water conservation capacity but will also facilitate much cheaper mode of transportation of goods and passengers on the waterways and the exercise will result in creation of huge employment opportunities, particularly for the unskilled people in rural areas along side the rivers.

This Bill seeks to establish a Rivers Desiltation Authority which will take appropriate steps for planning and implementing strategy for desiltation of rivers in the country in order that water resources can be managed fruitfully, occurrences of floods can be controlled and waterways can be harnessed for yielding economic benefits to the society, including large employment generation.

Hence this Bill.

S. S. AHLUWALIA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the Rivers Desiltation Authority. It is estimated that a sum of Rupees one hundred crore will be required from the Consolidated Fund of India initially to set up the Authority. A sum of Rupees ten crore per year will also be required to meet the recurring expenditure.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of this Act. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of normal character.



## II

## BILL NO. LXV OF 2005

*A Bill to provide for financial relief to the people for damage caused to their crops, property, livestock and/or loss of life suffered by them due to earthquake, cyclones, tsunami, floods, landslide, cloudburst and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Financial Relief to the Natural Calamity Victims Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Financial  
Relief for  
damaged  
crops.

2. Every person whose crops have been damaged by cyclones, earthquake, tsunami, floods, cloudburst, landslide shall, on an application made in the prescribed form, be paid reasonable financial relief by the Central Government in proportion to the loss of crops suffered by him.



*Explanation*— For the purposes of this section crop means and includes all types of cereals, pulses, oil-seeds, vegetables, fruits, jute, sugarcane and cotton.

3. The Central Government shall, in consultation with the concerned State Government, provide to every family, whose house and property have been destroyed by cyclone, earthquake, tsunami, floods, cloudburst, landslide, a dwelling unit either at the same place or at any other place earmarked for rehabilitation by Central or by the concerned State Government. Shelter in case of destruction of house and property.
4. Every person whose livestock has been lost due to cyclones, earthquake, tsunami, floods, cloudburst, landslide shall, on an application made in the prescribed form, be paid by the Central Government adequate financial relief to purchase essential livestock. Financial relief for loss of livestock.
5. If any person dies as a result of cyclone, earthquake, tsunami, floods, cloudburst, landslide, the Central Government shall, on an application made in the prescribed form by the surviving dependent(s) of the deceased, pay an adequate sum of money, not less than one hundred thousand rupees to them as financial relief. Financial relief for loss of life.
6. The Government of the State or the Union Territory, in whose territorial jurisdiction the victims loses his life due to cyclone, earthquake, tsunami, floods, cloudburst or landslide, shall provide a suitable job to one of the eligible dependents of the victim as it may think fit, and determine their functions and conditions of services. Employment provision for dependents of deceased victim.
7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act. Saving of other laws.
8. The Central Government shall, in consultation with the Government of the State or Union Territory concerned, appoint within a fortnight of the occurrence of any cyclone, earthquake, tsunami, floods, cloudburst or landslide, a Commissioner with such other staff as may be necessary, for settling the claims for payment of financial relief to the victims: Appointment of Commissioner for payment of relief.
- Provided that the Commissioner shall dispose of a claim within sixty days of the receipt of the application by him.
9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.



## STATEMENT OF OBJECTS AND REASONS

Various parts of the country are inundated by floods and devastations by other natural disasters namely, super-cyclone, earthquake, cloudburst, landslide which have been occurring in various places at regular intervals causing irreparable damage to lives and properties of the victims who are mostly caught unaware by such occurrences like the incident of tsunami occurred on 26th December, 2004.

Lakhs of helpless poor people in the states viz., Arunachal Pradesh, Assam, Bihar, West Bengal and others are badly affected by floods. A very large number of people in various other States often suffer due to earthquake, cloudburst, landslide, cyclone and other natural calamities, by way of destruction of their dwelling units and other properties. Such calamities pose a threat their livestock and often result in loss of life. For instance, coastal areas of the country particularly Andhra Pradesh, Orissa and Tamil Nadu are frequently affected by cyclones causing widespread devastation of crops, properties and lives. Although the concerned State Governments do try to mitigate the sufferings of the affected people but due to financial constraints they can seldom provide adequate relief to them. Traditionally, there have always remained a big gap between the demands made by the affected States and the relief given by the Central Government.

Since the assistance provided by the Central Government is the main source on which the State Governments depend for providing relief to the persons affected by incidents of natural calamities, it is felt that the Central Government should bear the entire burden in this regard. Therefore, it is proposed that financial relief to the victims of natural calamities should be paid by the Central Government through a Commissioner.

Hence this Bill.

S. S. AHLUWALIA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for provision of dwelling unit in case of destruction of house and property. Clause 4 provides for financial relief for loss of livestock. Clause 5 provides for financial relief in case of death. Clause 6 provides for suitable job to eligible dependents of victims of natural calamities. Clause 8 provides for appointment of Commissioner for settling the claims. Therefore, the Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crores will be required for the purpose from the Consolidated Fund of India per annum as recurring expenditure. However, this may not be required if there is no such natural calamity in a particular year.

A non-recurring expenditure of rupees fifty crores is also likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the delegation of powers relates to routine matters only, it is of normal character.



## III

## BILL NO. LXXXI OF 2005

*A Bill to provide for creation, control and regulation of foreign aid and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Foreign Aid Fund of India (Creation, Control and Regulation) Act, 2005.

Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “fund” means the Foreign Aid Fund of India set up under section 3;

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act set up a Fund to be known as “The Foreign Aid Fund of India”, into which shall be

The Foreign Aid Fund of India.



credited all monies received as aid or assistance or donation or contribution from any foreign country or any organization or an individual or an institution in a foreign country or World Organization for providing relief to people affected by any natural calamity or mishap.

(2) The fund shall be administered in such manner as may be prescribed.

Utilization of  
the Fund.

4. (1) The fund shall be utilized for—

(a) payment of compensation to victims of natural calamities or mishaps;

(b) providing assistance to State Government for carrying out relief and rehabilitation measures in the event of any natural calamity or mishap; and

(c) any other purpose as may be prescribed.

(2) The terms and conditions for the grant of money out of the fund and the amount to be provided shall be such as may be prescribed.

Audit of the  
Fund.

5. The audit of the fund shall be carried out by the Comptroller and Auditor General of India in such form and in such manner as the President of India may, from time to time, direct.

Power to make  
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.



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**STATEMENT OF OBJECTS AND REASONS**

Our country receives huge assistance and donations from foreign countries and various World Organisations from time to time to provide relief measures to people affected by natural calamities like earthquakes, floods, tsunami and other mishaps. However as the receipts are not credited into Consolidated Fund of India or any authorized Central Pool, the Government does not seek to have any effective control in regard thereto and there are occasions when the money was not utilized for the purposes for which it was received.

It is, therefore, desirable to create a Fund to take care of the donations so received and make statutory provisions for the regulation of the Fund. It will also be appropriate to subject the Fund so created to the audit control of the Comptroller and Auditor General of India.

The Bill seeks to achieve these objects.

MANOJ BHATTACHARYA

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



## IV

## BILL NO. LXXXII OF 2005

*A Bill to prevent the publication of results of pre-election survey of the elections to the Lok Sabha and Legislative assemblies of the States and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Pre-Election Survey Results (Prevention of Publication) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "election" means an election to fill a seat or seats in the House of the People or in the Legislative Assembly in a State;

(b) "person" includes agency, organization or a body corporate; and

(c) "process of election" means the final phase of casting of votes by the eligible voters in their respective constituencies.

Prohibition  
Publication of  
Pre-Election  
Survey.

3. No person shall publish or cause to be published any opinion based on the result of any survey by whatever name called, about the likely result of any election, before the completion of process of election.



4. Any person who contravenes the provisions of section 3,—

Penalty.

(i) shall be punished with imprisonment for a term which may extend to ten years or with fine which may extend to fifty thousand rupee or with both; and

(ii) shall have registration or license given to him, under any law for the time being in force, revoked.

5. This Act shall have effect notwithstanding any provisions to the contrary contained in any other law for the time being in force or any decree or judgement or order by any court or authority having judicial powers.

Overriding  
effect of the  
Act.



## STATEMENT OF OBJECTS AND REASONS

When an election takes place in the country it has been observed that various agencies start publishing pre-poll surveys about the victory or defeat of the candidate(s) or political parties on the completion of the first phase of the election itself. As a result, there is every possibility that the voters in other constituencies where elections are to be held, may get influenced especially because a majority of them are illiterate. Keeping this fact in view, the Election Commission, some years back, had put a ban on such surveys. However, the court struck it down and as a result thereof various agencies started publishing their pre-poll surveys again.

It is, therefore, proposed to enact a legislation so that the voters are not influenced by these surveys and the forecast of election results in one area do not influence or vitiate voting pattern or affect the election results.

Hence this Bill.

MANOJ BHATTACHARYA



## V

## BILL NO. LXXVI OF 2005

*A Bill to prevent the use of camera phones at public places and to regulate their use by children and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Camera Phones (Prevention of use at public places) and Miscellaneous Provisions Act, 2005.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,

Definitions.

(a) "camera phone" means any mobile telephone capable of recording video or taking still photographs;

(b) "child" means any boy or girl below 18 years of age;

(c) "prescribed" means prescribed by rules made under this Act;



(d) "public place" means any place being frequently visited by the public at large and includes government buildings, hospitals, banks, markets, restaurants, club, hotels, parks, monuments, libraries and other like places but does not include private residence and gathering;

(e) "public transport" means taxis, buses, trams, rails, ships including other vessels of similar kind, aeroplanes run by the government or the private sector for the use of general public.

Prohibition of photography or video recording in public place or transport.

3. No person shall take photograph or record video of any other person without his consent in any public place or public transport.

Ban on use of camera phones in certain areas.

4. The Central Government may, by notification in the Official Gazette, ban the use of camera phones in such areas, as it may deem necessary in the public interest.

Ban on use of camera phone without flash or sound.

5. On and from the appointed day, as the Central Government may appoint in this behalf by notification in the Official Gazette, no person shall carry or use a camera phone, which does not flash a light or emit sound of a prescribed decibel on taking photograph or video recording.

Ban on use of camera phone by children.

6. (1) No child shall possess or use a camera phone.

(2) If any child is caught with a camera phone, his parents or any person who at that time is the guardian of the child shall be prosecuted in accordance with the provisions of this Act.

Penalty.

7. Whoever contravenes the provision of,—

(i) section 3 and 4 shall be punishable with fine which may extend to twenty thousand rupees and in case of second and subsequent offence, shall be punishable with a minimum fine of thirty thousand rupees or with imprisonment which may extend for two months;

(ii) section 5 shall be punishable with fine which may extend to ten thousand rupees or with imprisonment which may extend to one month or with both in addition to forfeiture of camera phone;

(iii) section 6, shall be punishable with fine which may extend to ten thousand rupees or with imprisonment which may extend to fifteen days or with both in addition to forfeiture of camera phone.

Offences to be cognizable.

8. Notwithstanding anything contained in the Code of Criminal procedure 1973, any offence under this Act shall be cognizable. 2 of 1974

Summary trial of offences.

9. All offences under this Act shall be tried summarily in the manner prescribed for summary trial under the Code of Criminal Procedure Act, 1973. 2 of 1974

Power to remove difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Savings.

11. The provisions of this Act shall be in addition to, and not in derogation of, the provisions contained in any other law for the time being in force, relating to mobile or camera phones.

Power to make rules.

12. The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.



## STATEMENT OF OBJECTS AND REASONS

Camera phones are increasingly being used for capturing intimate and private images especially of women, which is turn, at times, are used to embarrass or harass them. The unbridled use of camera phones in a society like ours is a ticking bomb in the hand of the user. Of late, there has been a sudden increase in the episodes of capturing video of innocent girls and film celebrities in intimate position. As of now there is no restriction on any person possessing a camera phone and taking pictures in any public place or transport without the consent and knowledge of the other person since these camera phones do not make any sound or flash while taking picture. It is the responsibility of the Government to protect the society from the technology menace. Many countries have imposed various kinds of restriction on the use of camera phones. Saudi Arabia has taken an extreme step of banning the camera phone altogether. United States Congress has already passed a video Voyeurism Prevention Act that prohibits the photography of various parts of peoples' unclothed bodies or undergarments without consent. There is a right to privacy to every person in the country, which should not be taken away. Violation of privacy through technology should be severely punished. To minimise the incidents, only such camera phones should be allowed in the country which make sound of certain decibel or flash light while taking pictures or video recording.

Today, it has become a fashion among students to carry the latest and hi-tech camera phone. One fails to understand why these students studying in schools at all need a mobile phone or a camera phone. Parents of students, without judging the need, allow their wards to carry camera phone, which needs to be discouraged.

Therefore, it is high time that a law on the regulation of the use of camera phone be put in place to save the society from embarrassment.

Hence this Bill.

VANGA GEETHA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to matters of detail only. The delegation of legislative power is normal character.



## VI

## BILL NO. LVI OF 2005

*A Bill to provide for the prohibition of begging and for the rehabilitation and welfare of beggars by the State and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Prohibition of Begging and Rehabilitation of Beggars Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "beggar" means any person who indulges in begging;

(c) "begging" includes,—

(i) soliciting, asking for or receiving alms in cash or kind in a public place including religious place, market, place of tourism, street, railway station, bus stop, roadside or public transport, educational institution, park or any place visited or frequented by general public;



56 of 2000.

(ii) entering any private premises for soliciting, asking for or receiving alms in cash or kind;

(iii) exposing or exhibiting any wound, deformity or disease of self or any other person for soliciting, asking for or receiving alms;

(d) "child" means a boy or girl who is below the age of eighteen years;

(e) "children home" means a children home established under the Juvenile Justice Act, 2000;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Rehabilitation Centre" means a centre established under this Act, where a beggar shall be kept;

(h) "Welfare Fund" means the National Beggars Welfare Fund established under section 4.

3. (1) Begging by any beggar in any form or manner is hereby prohibited.

Prohibition of begging.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. (1) The Central Government shall, by notification in the Official Gazette, establish the National Beggars Welfare Fund for the purposes of this Act.

Establishment of the National Beggars Welfare Fund.

(2) The initial corpus fund of the Welfare Fund shall be five hundred crore rupees which shall be provided by the Central Government after due appropriation made by Parliament by law in this behalf.

(3) After the establishment of the Welfare Fund, moneys therein shall be provided by the Central and State Governments in such proportions as may be agreed to from year to year on the basis of proportion to their beggars population relevant for the purposes of this Act.

(4) The Welfare Fund may also receive money by way of donations from persons or associations or body corporate which shall also form the corpus of the Welfare Fund.

(5) The Central Government shall administer the Welfare Fund in such manner as may be prescribed.

5. The Welfare Fund shall be utilized for,—

Utilisation of the Welfare Fund.

(a) providing vocational training to the beggars covered under this Act;

(b) providing educational facilities to the child beggars and other illiterate beggars;

(c) free medical care to the beggars;

(d) financial assistance to the beggars for starting their venture or for their rehabilitation;

(e) financial assistance for marriage in the family of beggars rehabilitated under this Act;

(f) such other purposes as the Central Government may deem necessary for the purposes of this Act.

6. (1) The appropriate Government shall formulate such schemes or workout such plans including plans for provision of education and create such suitable infrastructure in every district to enable the beggars to take up suitable jobs for earning their livelihood.

Formulation of Schemes or plans for beggars.

(2) The appropriate Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not turn beggars.



Penalty.

7. (1) Whoever abets, forces or encourages any person, including any child in his care, custody or charge for begging or uses any person as an exhibit for the purpose of begging shall be punished with imprisonment which shall not be less than five years but may extend to ten years and also with fine which shall not be less than one lakh rupees.

(2) Whoever collects alms by forcing two or more persons in begging shall be punished with imprisonment which shall not be less than seven years but may extend to life imprisonment and also with fine which shall not be less than five lakh rupees.

(3) Whoever maims or deforms the parts of the body of a child or any other person so as to force him into begging shall be punished with death.

(4) Whoever maims himself for the purpose of indulging into begging shall be punished with imprisonment for a term which shall not be less than four years but may extend to seven years.

Arrest of  
beggars and to  
be sent to  
Rehabilitation  
Centres.

8. (1) Notwithstanding anything contained in any other law for the time being in force any person found begging shall be arrested by the Police and before making every such arrest, the officer in charge of the concerned Police Station shall satisfy himself as to the *bonafide* of the arrested beggar.

(2) The Police shall keep a special watch at the places of tourism which are frequented by domestic and foreign tourists to keep them free from beggars.

(3) Any beggar, other than a child, arrested under the provisions of this Act, shall be sent to a Rehabilitation Centre, to be established in every district by the appropriate Government, wherein such beggar shall be provided with facilities for his rehabilitation in such manner as may be prescribed.

(4) Any child arrested on the ground of begging shall be sent to a children Home.

Offences to be  
cognizable and  
non bailable.

9. Notwithstanding anything contained in the Code of Criminal Procedure 1973 an offence under this Act shall be cognizable and non-bailable. 2 of 1974

Act to have  
Overriding  
effect.

10. The provisions of this Act and of any rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to beggars.

Power to  
make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



### STATEMENT OF OBJECTS AND REASONS

There are millions of beggars begging in public places like markets, bus stops, outside and within railway stations, roadside, in the streets and residential colonies, outside the religious places like temples, mosques, churches, gurudwaras, etc. schools, parks, in the moving buses, trains, etc. and more so in the urban areas. The beggars are seen lurking and forcing even foreign tourists to give alms. Such unwarranted acts of beggars not only leave bad impression in the minds of foreign visitors but also bring dishonour to the name of our nation. Unfortunately, the menace of begging continues unabated throughout the country especially in the urban areas and places of tourist importance. Not only the physically handicapped, deprived and destitute persons resort to begging for sustenance but able bodied persons too take to begging as a regular occupation. There are organized gangs who kidnap children, maim them, deform some parts of their bodies and force the children into begging and collect huge amounts. Lactating infants are often used for begging. Sometimes, the children are forced to beg even by their own parents.

In order to root out the menace of begging, a national perspective has to be created by developing an infrastructure to tackle begging not only through legislative measure but also socially creating an environment of accommodation and acceptance of beggars in the society and to assure them a life with dignity. So an atmosphere has to be created so that beggars are provided with sufficient means of livelihood by the Government. Prohibition of begging has to go along with programmes for education, training and rehabilitation of children, women and men engaged in begging.

Hence this Bill.

PREMA CARIAPPA

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Beggars Welfare Fund. Clause 6 provides for setting up destitute homes by the appropriate Government. The Bill if enacted will involve expenditure from the Consolidated Fund of India. Apart from one time initial corpus of rupees five hundred crore it is estimated that a sum of rupees two hundred crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees two hundred crore may also involve from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.



## VII

## BILL NO. LVII OF 2005

*A Bill to prohibit extravagant and wasteful expenditure and show of wealth on marriage ceremonies and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Prohibition of Extravagant And Wasteful Expenditure on Marriages Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;



(b) "expenditure on marriage" includes expenditure incurred by bridegroom's side or bride's side, as the case may be, during marriage celebrations, such as on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a *baraat ghar*, banquet hall or hotel including star hotels, farm house or such other places, band, musical group and dancers, veejays, cars and other vehicles, flower decoration, horse or horse driven chariot, etc. during the celebration of marriage or during hosting of reception thereof;

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything in any custom of any community, religion or tribe the extravagant and wasteful expenditure on marriage is hereby prohibited and all the marriages shall be solemnized in a simple ceremony without pomp and show and without lavish spending thereon.

Prohibition of extravagant and wasteful expenditure on marriages.

(2) For the purposes of sub-section (1) the appropriate Government may fix the limit of guests and relatives for the solemnization of a marriage or for the reception held thereafter as it may deem necessary or expedient.

(3) The appropriate Government shall fix the limit of expenditure which may be incurred by the bride's side and the bridegroom's side respectively on a marriage.

(4) The appropriate Government shall prescribe necessary guidelines to be followed under the provisions of this Act.

(5) Whoever contravenes the provisions of this Act shall be guilty of an offence under this Act.

4. Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to two lakh rupees.

Penalty.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provision of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction shall be final.

Power to remove difficulty.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other laws.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.



## STATEMENT OF OBJECTS AND REASONS

These days there is a growing tendency to celebrate marriages with pomp and show for which even heavy loans on very high rate of interest are taken. People who have the money or even those who do not have, spend lavishly on such celebrations. Millions of rupees are spent on decorated *Shamianas* followed by sumptuous feasts with musical groups performing in the backdrop and Veejay doing the anchoring. Sometimes thousands of *baraatis* attend the Ceremony. In addition to all these things, substantial cash and costly gifts are exchanged. Many people use this occasion to spend their black money. This, in fact, has become a craze in the society and the poor people who cannot afford to arrange the money have to do this after borrowing, if they have to marry their children. Naturally, this is creating unrest among those who have no money to spend lavishly on such occasion. So, either they have to become indebted or the adopt corrupt practices or illegal means to earn more and more money. It is very harmful for a developing nation like ours. Unfortunately, this is also a fact that even after spending lavishly many marriages remain unsuccessful. This tendency has to be checked by curtailing wasteful expenditure on an auspicious occasion like marriage.

Hence this Bill.

PREMA CARIAPPA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.



## VIII

## BILL NO. LVIII OF 2005

*A Bill to provide for the compulsory registration of all the marriages solemnized in the country so as to prevent child marriages, frauds committed under the garb of marriages and for compulsory oath on affidavit by non-resident Indian grooms that they are not already married before getting married in India and for matters connected therewith and incidental thereto.*

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Marriages (Compulsory Registration and Miscellaneous Provisions) Act, 2005.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "prescribed" means prescribed by rules made under this Act.



Compulsory registration of all marriages.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or decree to the contrary, all the marriages solemnized in the country after the commencement of this Act shall be registered in such manner as may be prescribed.

(2) The marriages shall be registered,—

(a) with the Village Panchayat in the rural areas:

Provided that where there is no Panchayat in a village, the marriage shall be registered with the nearest Sub-Registrar or *Tehsildar* who may be authorized in this behalf by the appropriate Government;

(b) with the Sub-Registrar or *Tehsildar* or the Municipal Authority by whatever name called, who may be authorized by the appropriate Government in this behalf in the Metropolitan and other urban areas.

Marriage Register and particulars of marriage.

4. (1) The Village Panchayat, Sub-Registrar, *Tehsildar* or the Municipal Authority so authorized to register the marriages shall maintain a Register of Marriages in such manner as may be prescribed.

(2) The particular of the marriage to be entered in the Register of Marriages and the form and manner in which such particulars shall be entered shall be such as may be prescribed.

(3) The appropriate Government shall prescribe the documents relating to solemnization of marriage, which shall be furnished for the registration of the marriage.

(4) After the registration of the marriage under the provisions of this Act, a marriage certificate shall be issued to the couple giving such details as may be prescribed.

Legal status of marriage without registration.

5. Notwithstanding anything contained in any other law for the time being in force the marriage performed after the commencement of this Act without the registration shall not be considered as a valid marriage and shall be null and void.

Special provision for non resident Indian groom intending marriage in India.

6. (1) Notwithstanding anything contained in any other law for the time being in force every Non-resident Indian bridegroom who intends to wed an Indian girl in India shall declare on oath in an affidavit that he is not married in the country where he is currently settled as Non-Resident Indian.

(2) It shall be the duty of the appropriate Government to get verified the affidavit furnished under sub-section (1) from the Embassy or the High Commission of the country where the bridegroom claims to be settled for the time being.

(3) The provisions of sub-sections (1) and (2) shall apply *mutatis mutandis* to a foreigner bridegroom who intends to wed an Indian girl.

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



## STATEMENT OF OBJECTS AND REASONS

In our country lakhs of marriages are solemnised every year. Most of them are solemnised as per the traditions, many marriages are solemnised in temples like *Arya Samaj Mandir* and a small proportion of marriages are also performed in courts. But except the marriages which are performed in civil courts and *Arya Samaj Mandirs*, there is no record of marriages performed in the country. The media has been reporting from time to time that non-resident Indian grooms, many of them already married abroad, come to this country, marry unsuspecting innocent Indian girls and return back to foreign countries after the honeymoon is over with the dowry money assuring the bride that they will send the requisite visa from abroad and call them very soon, a promise never fulfilled. The dumping of wives by NRIs has become a routine, which needs to be checked. Then there are people who are poverty stricken, take money from foreigners, sell off their daughters in the garb of marriages who are ultimately dumped and deserted. In many areas of the country child marriages are performed without bothering about the law and there is no check on such marriages. Such cases are increasing due to non-registration of marriages. Hence it has become necessary to register compulsorily all marriages which are solemnised in the country in whatever form such marriages are performed. This will prevent child marriages, desertion by NRIs, and check the subsequent marriages which are performed without dissolution of earlier marriages and save the women from being deserted and harassed.

Hence this Bill.

PREMA CARIAPPA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate the matters of details only.

The delegation of legislative power is of normal character.

YOGENDRA NARAIN,  
*Secretary-General.*